

AO 450 (Rev. 5/85) Judgment in a Civil Case ⊕

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UNITED STATES DISTRICT COURT

\*\*\*\*\* DISTRICT OF NEVADA

GUS MILLER,

Petitioner,

V.

JUDGMENT IN A CIVIL CASE

CASE NUMBER: **3:05-cv-00703-ECR-RAM**

LENARD VARE, et al.,

Respondents.

\_\_\_ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

\_\_\_ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**X** **Decision by Court.** This action came to be considered before the Court. The issues have been considered and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED**, for the reasons assigned: (a) that Grounds 2(a), 2(c), 2(d), 3(a)(1) & (2), 3(c)(1) & (2), 6(a), and 7(a) are DISMISSED with prejudice as procedurally defaulted; (b) that Grounds 2(e), 3(b)(1-4), 4(c)(1-2), 5(b)(1-2), 6(b), 6(c), 7(b), 8(a), and 8(b) are DISMISSED with prejudice, on the merits to the extent that the claims are based upon allegations of ineffective assistance of counsel and on the basis of procedural default to the extent that the claims are not. Final judgment is entered, in favor of respondents and against petitioner, dismissing this action with prejudice.

February 3, 2009

**LANCE S. WILSON**

Clerk

/s/ Kalani Lizares

Deputy Clerk